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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,757	07/12/2001	Francois Thoumy	1807.1611	9592

5514 7590 12/20/2004

FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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HA, DAC V

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/902,757

**Applicant(s)**

THOUMY ET AL.

**Examiner**

Dac V. Ha

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/5/02; 2/11/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the last line "Figure for the abstract: None" should be deleted, and the entire abstract should be made in one paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 20 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim (18 and 19) can not be served as the base claim of another multiple dependent claim (20). See MPEP § 608.01(n). Accordingly, the claim 20 has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al. (US 6,529,631) (hereinafter Peterson).

**Regarding claim 1**, Peterson discloses the claimed subject matter "Method of transmitting blocks of data, in which, for at least one of said blocks of data, at least one parameter associated with this block of data is transmitted, said parameter representing the relative importance of the block of data associated with this parameter within the message transmitted by all the blocks of data, characterised in that the data are coded

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by means of a channel coding method which does not take into account said parameter” including partitioning the data into plurality of blocks and coding the blocks in accordance to a fidelity metric which represents the importance of the data regions (or blocks) (col. 1, line 49 to col. 2, line 7; col. 2, line 46 to col. 3, line 4; col. 5, lines 8-20; col. 10, line 47 to col. 12, line 15).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson.

**Regarding claim 6**, see claim 1 above. Further, Peterson also discloses “iterative” coding (col. 2, line 66). Peterson differs from the claimed invention in that Peterson does not disclose “parameter (IN) indicating the minimum number of iterations to be applied by an iterative coder during the decoding of the block of data associated with this parameter (IN)”. Peterson utilizes a fidelity metric and iterative process for coding the data until certain criteria is matched. Therefore, based on such principle, such claimed subject matter “parameter (IN) indicating the minimum number of iterations to be applied by an iterative coder during the decoding of the block of data associated with this parameter (IN)” would have been obvious to one skilled in the art.

**Regarding claims 2, 7,** these claimed subject matter are the reversed process of that of claims 1, 6, respectively, thus would have been obvious to one skilled in the art based on the discussion of claims 1 & 6 above.

**Regarding claims 3-5, 8-23,** these claimed subject matter would have been design specific and would have been realized by one skilled in the art based upon each particular application.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adolph et al. (US 5,825,430) disclose Method, Encoder And Decoder For The Transmission Of Digital Signals Which Are Hierarchically Structured Into A Plurality Of Parts.

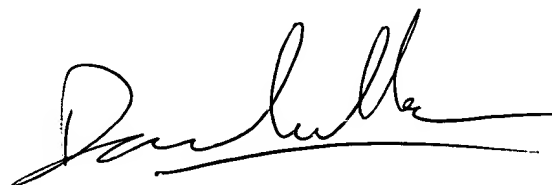
Chen et al. (US 5,608,458) disclose Method And Apparatus For A Region-Based Approach To Coding A Sequence Of Video Images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-273-3040. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Dac V. Ha', with a long horizontal line extending to the right.

Dac V. Ha  
Examiner  
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